

SEP 30 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

MICHAEL E. WYATT,	)	CASE NO. 7:13CV00442
	)	
Petitioner,	)	
v.	)	FINAL ORDER
	)	
COMMONWEALTH OF VIRGINIA,	)	By: James C. Turk
	)	Senior United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the petition for a writ of habeas corpus under 28 U.S.C. § 2241 is hereby **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and is **DISMISSED** without prejudice for failure to exhaust state court remedies, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 30<sup>th</sup> day of September, 2013.

  
Senior United States District Judge